ATTORNEY FOR APPELLANT:

CHARLES E. STEWART, JR.
Crown Point, Indiana

ATTORNEYS FOR APPELLEE:

STEVE CARTER
Attorney General of Indiana

MAUREEN ANN BARTOLO
Deputy Attorney General
Indianapolis, Indiana

IN THE
COURT OF APPEALS OF INDIANA

MICHAEL W. ANDERSON,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 45A04-0701-CR-14
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE LAKE SUPERIOR COURT
The Honorable Thomas Stefaniak, Jr., Judge
Cause No. 45G04-0602-MR-4

October 31, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

MAY, Judge

Michael W. Anderson appeals the sufficiency of evidence supporting his conviction of attempted robbery, a Class A felony.[1] Because Anderson's behavior before and after the crime could lead a reasonable jury to find him guilty beyond a reasonable doubt, we affirm.

We must affirm Anderson's conviction "unless, considering only the evidence and reasonable inferences favorable to the judgment, and neither reweighing the evidence nor judging the credibility of the witnesses, we conclude that no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt." *Wieland v. State*, 736 N.E.2d 1198, 1201 (Ind. 2000).

The facts most favorable to the judgment follow. Anderson was in a car with three friends going to a house where Herman Patterson sold alcohol on Sunday and to minors. One of the friends, Jerome Cousins, suggested it would be a good idea to rob Patterson. The other three initially agreed, but changed their minds when they arrived and saw people standing outside Patterson's house. Cousins announced he intended to rob Patterson to honor his gang. Anderson exited the vehicle saying he was going to "check it out." (Tr. at 214.) After Anderson exited the vehicle, he heard Cousins exit the vehicle and walk after him. Nevertheless, Anderson entered Patterson's house. Anderson and Cousins both fired shots in Patterson's house, and Patterson died of multiple gunshot wounds. Anderson left the house first, entered the car, and left the door open for Cousins. Cousins arrived at the car with a gunshot wound to the stomach, which had

[1] Ind. Code § 35-42-5-1 (robbery); Ind. Code § 35-41-5-1 (attempt).

been inflicted by Anderson. Cousins asked Anderson why Anderson shot him, and Anderson replied, "I didn't mean to." (*Id.* at 181.) After they left the scene, Anderson threw two guns out the car window. In addition, Anderson told the friend who owned the car to remove the tint from the windows.

Anderson was not a mere bystander. He knew Cousins' intent, yet he entered the house with him. Although Anderson shot Cousins during the robbery, his statement it was an accident supports a jury finding Anderson was not attempting to stop the robbery. The evidence is sufficient to support Anderson's conviction. *See Wieland*, 736 N.E.2d at 1203 (where defendant entered the store knowing friend's intent, failed to "withdraw from the enterprise," failed to oppose the crime, and escaped with the friend, evidence sufficient to convict defendant as accomplice).

Affirmed.

DARDEN, J., and CRONE, J., concur.